

## **USTR Open Government Plan External Evaluation Action**

### **06.22.2010**

USTR is a small policy agency (240 employees) within the Executive Office of the President. USTR provides trade policy leadership and negotiating expertise promoting the Administration's trade policy to open markets throughout the world to create new opportunities and higher living standards for families, farmers, manufacturers, workers, consumers, and businesses. The nature of this mission and our trade advisor, negotiator, monitoring and enforcement and dispute litigator responsibilities requires us to work effectively with a diverse group of stakeholders. Our normal business requires us to be transparent, participatory and collaborative wherever possible. We cannot operate in a vacuum. *To fully achieve our mission requires the participation of all our stakeholders – the public, non-governmental agencies, states, businesses, other government agencies, and Congress.*

The President's 2010 Trade Policy Agenda, [http://www.ustr.gov/webfm\\_send/1673](http://www.ustr.gov/webfm_send/1673), explicitly discusses commitment to greater transparency in the crafting of trade policy and pledges to engage fully with diverse stakeholders in America in developing trade agreement negotiating objectives.

USTR has undertaken a review of the transparency policies for trade negotiations and has listened to the public's call for more disclosure. Recent evidence of this new transparency is the release of the draft text of the Anti-Counterfeiting Trade Agreement (ACTA) on April 21, 2010. The ACTA participants announced their unanimous agreement to release the text on April 16<sup>th</sup>, following the 8th round of the ACTA negotiations in Wellington, New Zealand. The text is available on the USTR website: [www.ustr.gov/acta](http://www.ustr.gov/acta).

The Trans-Pacific Partnership (TPP) free trade agreement negotiation commenced in March 2010 and was designated as USTR's Flagship Initiative for Open Government. Transparency, collaboration and participation were foremost in the planning for this new trade project. For example, USTR has taken a number of unprecedented steps to make the process is more transparent and inclusive of stakeholder consultation.

Deficiencies noted by the external evaluation are addressed below.

## External Evaluation -- Summary of Revisions and Explanations

| Self Evaluation # | Description  | Score Justification  | Action  |
|-------------------|--|--|---|
| 5                 | Inventories agency high-value information currently available for download   | The plan describes data on the website but does not provide an inventory.      | <p>II.A High-Value Data Sets (pages 13-15). Added further description of how USTR obtains and uses information. Explained inventory process and results. Provided additional details on posting process for new high-value data sets.</p> <p>These two criteria were self-evaluated as yellow on the initial plan. They are now self-evaluated as green.</p>  |
| 8                 | Includes plans for timely publication of the underlying data in cases where the agency provides public information maintained in electronic format.  | No mention of underlying data.   |   |
| 12                | Details of proposed actions to be taken, with clear milestones, to inform the public of significant actions and business of your agency, such as through agency public meetings, briefings, press conferences on the Internet, and periodic national town hall meetings.                                     | No dates.  | <p>Section II.B “Transparency Initiatives” (pages 15-18). USTR described a number of actions to inform the public that are not proposed, but most already taken. Specific dates included where appropriate and additional information provided to indicate which initiatives have already been implemented. Text has been hyperlinked to the initiatives as appropriate.</p> <p>USTR was one of the first agencies to completely renovate its website when the new Administration took office. A redesign contract was in place in the summer of 2008 and considerable planning went into the new organization and layout of information. As the new Administration transitioned into place, close coordination with the new leadership of USTR’s Office of Public/Media Affairs ensured that the redesign reflected outreach and transparency initiatives that worked successfully in the 2008 Presidential campaign. This included fully embracing social networking. As an indicator of USTR’s achievement, the White House website redesign team consulted with USTR in developing their new site.</p> <p>An example of using varied media types and forums is represented by viewing USTR activities during the month of May at: <a href="http://www.ustr.gov/about-us/press-office/blog/2010/may">http://www.ustr.gov/about-us/press-office/blog/2010/may</a>.</p>  |
| 17                | Explains in detail how agency will improve participation by revising its current practices to increase opportunities for public participation in and feedback on the agency's core mission activities. Includes proposed changes to internal management and administrative policies to improve participation | No details on how ideas will impact core mission. Other ideas have no details. | <p>Changing the Culture (I.F) (pages 9-11). Describes changes to management and administrative processes. Highlights the President’s Trade Policy Agenda, ACTA, and TPP initiatives as significant changes to how we are pursuing USTR trade policy objectives in a participatory way.</p> <ul style="list-style-type: none"> <li>For instance, with the Trans-Pacific Partnership (TPP) USTR embarked upon an <u>unprecedented scale and scope of consultative outreach</u> related to TPP involving all 50 states and Congressional Committees of Jurisdiction and other interested committees. As the TPP negotiations proceed, USTR continues active outreach to ensure that stakeholders around the country can contribute to the development of a new 21st-century trade agreement that reflect U.S. priorities and values. This is one of our core mission priorities.</li> <li>As another example, USTR formally invited interested stakeholders (unprecedented) to the second round of negotiations in San Francisco, June 2010. A room will be provided to enable the stakeholders to meet with negotiators and discuss their issues and priorities. Daily briefings on developments in the negotiations from the preceding day and agenda for the current day will be provided.</li> </ul> <p>Participation (III) (pages 23-25). Provides examples of improving and increasing public participation and feedback through a number of different forums.</p> |

| Self Evaluation # | Description   | Score Justification  | Action  |
|-------------------|---|----------------------|---|
| 19                | Includes proposals for new feedback mechanisms, including innovative tools and practices that create new and easier methods for public engagement   | None provided.       | <p>New methods and tools described throughout the plan. USTR uses new media tools, consistent with White House efforts, to provide supplemental outreach and interaction with the public. Web logs, video streams, Facebook, Twitter, e-newsletter, events and open forums around the country serve as avenues of dialogue. For instance, recent public engagement forums included:</p> <ul style="list-style-type: none"> <li>Ambassador Kirk Visits Wisconsin and Tours Dairy Farms. While in Richland Center on May 14<sup>th</sup>, Ambassador Kirk toured two of Wisconsin's dairy product producers, Foremost Farms USA and the Valley View Dairy Farm. Ambassador Kirk met employees at Foremost which makes mozzarella cheese and whey protein powder for domestic and international customers. During Ambassador Kirk's visit to the Valley View Dairy Farm, he participated in a roundtable with local farmers to discuss trade, the Trans-Pacific Partnership (TPP) negotiations and the importance of exports from Wisconsin.</li> <li>World Trade Week Event: Public Briefing on Illegal Logging. On May 18th, in recognition of World Trade Week, USTR in partnership with the U.S. Department of State, held a public briefing on U.S. efforts to promote legally harvested timber through cooperative international engagement. David Brooks and Russell Smith, from USTR, and Philip Antweiler and Charles Barber, of the Department of State, described the United States' leadership in drawing international attention to the economic and environmental consequences of illegal logging and trade.</li> <li>Deputy USTR Marantis Continues TPP Outreach in California, Speaks on APEC 2011 Goals. On Monday, May 17th, Deputy USTR Demetrios Marantis was in California to continue the Obama Administration's 50-state domestic outreach strategy on Trans-Pacific Partnership (TPP) negotiations. USTR is reaching out to stakeholders around the country to help shape USTR's negotiating objectives in the eight-country TPP trade negotiations in the Asia-Pacific. California exports over \$80 billion in goods to the Asia-Pacific, nearly 70 percent of its total exports. Ambassador Marantis began the day in San Ramon, California at an event hosted by Congressman Jerry McNerney. The event attracted local small- and medium-sized enterprises in a number of sectors. Following a short presentation on the opportunities for California businesses and workers in the TPP, Ambassador Marantis discussed intellectual property protection in China, the interests and priorities of California businesses, and labor and environment protections.</li> </ul> |
| 20 - 22           | Explains in detail how the agency will improve collaboration, including steps the agency will take to revise its current practices to further cooperation with other Federal and non-Federal governmental agencies, the public, and non-profit and private entities in fulfilling the agency's core mission activities. | A vague description. | <p>USTR has both by statute and practice highly-collaborative processes to develop trade policy and monitor and enforce trade agreements. Besides an aggressive schedule of events such as those described above, there are two key collaborative processes for trade policy mission accomplishment. Additional information added to the plan.</p> <ul style="list-style-type: none"> <li>Federal Trade Advisory Committee Process (II.B) (pages 17-18). This system provides regular outreach to, and facilitates dialogue with, state and local governments, the business and agricultural communities, labor, environmental, consumer, and other domestic groups on trade policy issues. The advisory committee system, established by the U.S. Congress in 1974, was created to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The advisory committee system consists of 28 advisory committees, with a total membership of approximately 700 advisors.</li> <li>Interagency Collaboration (IV) (page 26). USTR has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy. Under the Trade Expansion Act of 1962, Congress established an interagency trade policy mechanism to assist with the implementation of these responsibilities. The mechanism has three tiers: the National Economic Council located in the White House, the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), the latter both chaired by USTR. The Office of Policy Coordination convenes the twenty agencies that make up the Trade Policy Review Group and the Trade Policy Staff Committee to review policy papers and negotiating documents. The Office advises the USTR on how to resolve policy differences among the agencies, since all decisions require consensus. On average, the office negotiates agreement on 285 policy papers and negotiating documents annually, and chairs 54 TPSC and TPRG meetings. The Advice is routinely elicited from the public on policy decisions and negotiations through public hearings and Federal Register notices.</li> </ul> <p>Flagship Initiative includes new collaborative and participatory venues (added to V) (pages30-32).</p>  |

| <b>Self Evaluation #</b> | <b>Description</b>   | <b>Score Justification</b>           | <b>Action</b>  |
|--------------------------|--|--------------------------------------|--|
| 24                       | Includes innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities. | None provided.                       | Innovative methods to increase collaboration with communities external to the Federal government are best exemplified by the Trans-Pacific Partnership (TPP) negotiations. Collaborative and participatory venues include the 50-state outreach strategy, formally inviting interested stakeholders to the second round of negotiations in San Francisco June 2010, and uploading all of the public's unfiltered comments directly into the shared virtual online library space (wiki) being used by TPP partners to carry out the negotiations (V) (pages 30-33). |
| 29                       | (4) An account of how the agency plans to measure improved transparency, participation, and/or collaborate on through this initiative (Flagship)   | Just says it will measure, not how.  | Revised V "Metrics" (pages 32 and 33).   |
| 30                       | (5) An explanation of the steps your agency is taking to make the initiative sustainable and allow for continued improvement. (Flagship)   | None provided.                       | Revised V "How Initiative Will Be Sustained" (page 33).  |
| None                     | Agency responds to public feedback on a regular basis  | Says they respond but not how often. | Revised VI "Responding to Public Feedback" (page 34).  |